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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,628	02/09/2004	Fathy Yassa		1742

7590 12/29/2006  
Fathy Yassa  
4439 Esta Lane  
Soquel, CA 95073

EXAMINER
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SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/776,628

Applicant(s)

YASSA, FATHY

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Note that there does not appear to be anything "off-line" about the instant method or apparatus. Also the term "device storage" should perhaps refer to "data storage"

The following title is suggested:

Remote Data Storage for Wireless Multi Media Devices via Wide Area Network.

### ***Drawings***

2. The drawings are objected to because, as required by 37 CFR 1.84 (n):

*(n) Symbols . Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.*

3. The drawings are objected to because the elements of figures 1 and 2 should have English language labels to increase their utility. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

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only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Since the most basic definition of a computer is the ability to store and retrieve data, it is not understood how the data storage device of the claim or as shown in the figures could function without connection to a computer arrangement.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5,7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Leppinen et al (US 6,985,719).

Consider claim 1. Leppinen teaches a system for enhancing the functionality of a wireless hand held device through non-local storage comprising

a first module configured as a hand held wireless device (*Leppinen see especially figure 2, item 200, column 2, lines 30-35*) and

a second module configured as a mass storage device (*Leppinen see especially figure 2, item 206, described in column 2, lines 43-60*),

said first and second module configured with bi-directional communication; where said first module controls said second module (*Leppinen teaches the first module, the wireless terminal 200 controlling the back up or retrieval, that is, the bi-directional communication of data to the second storage area 206, as described on column 2, line 43 through column 3 line 5*) .

As to claim 2, Leppinen teaches the system of claim 1, where the hand held wireless device is further configured to connect directly to a wide area global network (*Leppinen see especially column 1, lines 43-56, column 2, lines 20-30*).

As to claim 3, Leppinen teaches the system of claim 1, where the mass storage device has wireless connectivity (*Leppinen see especially column 1, lines 43-56, column 2, lines 20-30*).

As to claim 4, Leppinen teaches the system of claim 1, where the mass storage device is connected directly to a wide area global network (*Leppinen see especially column 1, lines 43-56, column 2, lines 20-30*).

As to claim 5, Leppinen teaches t. The system of claim 4, where the mass storage device is connected via a computer (*Leppinen teaches the first module, the wireless terminal 200 controlling the back up or retrieval of data to the second storage area, which would correspond to the claimed mass storage device. Note also that a server is necessarily connected via computer to store and access data.*).

As to claim 7, Leppinen teaches the system of claim 1, where the hand held device downloads from the mass storage device (*Leppinen teaches the first module, the wireless terminal 200 controlling the back up or retrieval, that is, the bi-directional communication of data to the second storage area 206, as described on column 2, line 43 through column 3 line 5*).

As to claim 8, Leppinen teaches the system of claim 1, where the hand held device streams from the mass storage device (*Note that the claimed "stream" would correspond to a simple transfer of data packets, and is not limited to streaming audio or*

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*video data. Leppinen teaches the first module, the wireless terminal 200 controlling the back up or retrieval, that is, the bi-directional communication of data to the second storage area 206, as described on column 2, line 43 through column 3 line 5).*

As to claim 9, Leppinen teaches the system of claims 7 or 8, where the hand held device and the mass storage device transmit data via a wide area global network (*Leppinen see especially column 1, lines 43-56, column 2, lines 20-30*).

As to claim 10, Leppinen teaches the system of claims 7 or 8, where the hand held device and the mass storage device directly transmit wirelessly (*Leppinen see especially column 1, lines 43-56, column 2, lines 20-30*).

As to claim 11, Leppinen teaches the system of claims 7 or 8, where the information stored on the mass storage device is not in a format native to said hand held device, such that said hand held device translates said information (*Leppinen teaches translating the transferred data into XML or other WAP see especially column 1, line 43- column 2, lines 5, column 2, lines 20-65*)

As to claim 12, Leppinen teaches the system of claim 1, where the hand held downloads from the wide area global network (*Leppinen teaches the first module, the wireless terminal 200 controlling the back up or retrieval, that is, the bi-directional communication of data to the second storage area 206, as described on column 2, line 43 through column 3 line 5*).

As to claim 13, Leppinen teaches the system of claim 11, where the mass storage device downloads from the hand held device (*Leppinen teaches the first module, the wireless terminal 200 controlling the back up or retrieval, that is, the bi-*

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*directional communication of data to the second storage area 206, as described on column 2, line 43 through column 3 line 5).*

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hsu et al (US 6,757,273), and l'Anson (US 6,832,102), have been cited to show other arrangements for data transfer via wide area networks.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.

10. The central fax phone number for the Office is 571-273-8300.

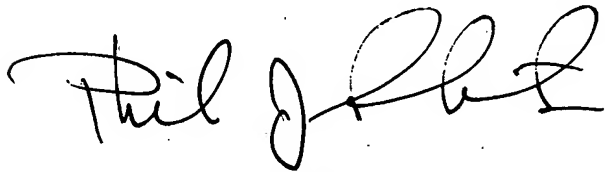
Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.



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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Phil J. Sobutka". The signature is fluid and cursive, with the first name "Phil" being more legible than the last name "Sobutka".

**PHILIP J. SOBUTKA**  
**PATENT EXAMINER**

Philip J Sobutka

(571) 272-7887